

REMARKS/ARGUMENTS

Claims 1-32 are pending in this application. Claims 18-26 have been withdrawn from further consideration. Claims 1, 5-6, 12, 27 and 32 have been currently amended. Claims 1, 6, 12 and 27 are independent claims. Support for the amendment may be found throughout the Specification and Drawings.

Claim Rejections – 35 USC § 102

Claims 1-17 and 27-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Stevens, III (“Stevens”, U.S. Patent Number 6,747,560). Applicant respectfully traverses this rejection.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent Claims 1, 6, 12 and 27, as amended, each recite an element “said data storage device includes at least one of a drive tray or a controller” (emphasis added). This amendment is supported, e.g., by paragraph [0006] beginning at page 3 and paragraph [0017] beginning at page 6 of the Specification.

In rejecting Claims 1, 6, 12 and 27, the Patent Office has analogized item 16 in FIG. 1 of Stevens to the present “data storage device” (Office Action, pages 2-3). Applicant respectfully disagrees. As indicated above, the “data storage device” of Claims 1, 6, 12 and 27 “includes at least one of a drive tray or a controller.” Applicant respectfully submits that item 16 in FIG. 1 of Stevens includes neither a drive tray nor a controller. In fact, after diligent search Applicant was not able to find any of the following phrases in Stevens: “data storage device”, “drive tray”, and “controller”.

Therefore, Stevens fails to teach, disclose, or suggest the element “said data storage device includes at least one of a drive tray or a controller,” as recited in Claims 1, 6, 12 and 27. Thus, the rejections should be withdrawn, and Claims 1, 6, 12

and 27 are allowable.

Claims 2-5 depend from Claim 1 and are therefore allowable due to their dependence upon Claim 1. Claims 7-11 depend from Claim 6 and are therefore allowable due to their dependence upon Claim 6. Claims 13-17 depend from Claim 12 and are therefore allowable due to their dependence upon Claim 12. Claims 28-32 depend from Claim 27 and are therefore allowable due to their dependence upon Claim 27.

Furthermore, Claim 5 recites an element “testing said data storage device based on said RF tag” (emphasis added). In rejecting Claim 5, the Patent Office simply ignored this element (Office Action, pages 2-3). At least based on this reason, Claim 5 is allowable.

In addition, Claim 11 recites an element “billing said customer based on said RF tag” (emphasis added). In rejecting Claim 11, the Patent Office simply ignored this element (Office Action, page 3). At least based on this reason, Claim 11 is allowable.

Moreover, Claim 13 recites an element “retrieving said data storage device from said inventory based on said RF tag” (emphasis added), Claim 14 recites an element “placing said data storage device into service based on said RF tag” (emphasis added), and Claim 15 recites an element “communicating said hardware and software configuration information to said manufacturer via said RF tag” (emphasis added). In rejecting Claims 13-15, the Patent Office simply ignored these elements (Office Action, page 3). At least based on these reasons, Claims 13-15 are allowable.

Additionally, Claim 16 recites “global position system.” Nowhere in Stevens was “global position system” taught, disclosed, or suggested. At least based on this reason, Claim 16 is allowable.

Further, Claim 17 recites an element “tracking a physical location of said data storage device based on said RF tag before said data storage device reaches said

customer” (emphasis added). In rejecting Claim 17, the Patent Office simply ignored this element (Office Action, page 4). At least based on this reason, Claim 17 is allowable.

Moreover, Claim 32 recites an element “wherein said remote monitoring system comprises at least one of EDI (electronic data interchange), Internet, extranet, or intranet” (emphasis added). In rejecting Claim 32, the Patent Office simply ignored this element (Office Action, page 4). At least based on this reason, Claim 32 is allowable.

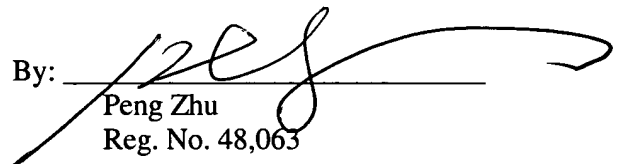
CONCLUSION

In light of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in the case.

Respectfully submitted on behalf of
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